

REMARKS

This is a response to the Office Action mailed November 2, 2005. Claims 24-39, 42, 44-47, 70-76, 78-86, 91, 96-99 and 117 are currently pending. The present amendment cancels claims 48 and 83, 84 and 85. Claim 24 was amended, based on the Examiner's indication that claim 48 would be allowable if rewritten in independent form, including all the limitations of the base claim. Accordingly, amended claim 24 includes the subject matter of claim 48, and no new matter is added. Claim 70 has been amended to include the subject matter of claim 48, i.e., "wherein said composition further comprises bacteria which degrade essential oils or components thereof." Accordingly, no new matter is added. Entry of the present amendment is respectfully requested.

Claim 48 was cancelled to avoid redundancy between claim 24 and claim 48. Claims 83-85 were cancelled solely to facilitate prosecution of the application. It is respectfully submitted that it would be well within the ordinary skill in the art to apply a paraffin or paint based composition to soil. For example, attention is directed to paints which are applied to football fields to demark distances. Similarly, in baseball, fields are frequently marked to show foul lines along the base paths with paint applied to soil.

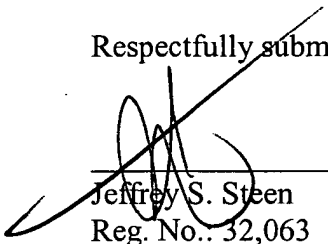
It is respectfully requested that the rejection of amended claims 24-34, 36-39, 42, 44-47, 70, 71, 73-76, 78-82, 86, 91, 96-99 and 117 as unpatentable under 35 U.S.C. §103(a) over Sumitomo et al., be reconsidered in light of the present amendment. Nowhere in Sumitomo et al. is there is teaching or suggestion of applying the compositions as presently claimed which have bacteria which degrade essential oils or components thereof. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 24, 25, 33-36, 42-45 and 47 were rejected under 35 U.S.C. §103(a) as unpatentable over Brinker et al. (U.S. Pat. No. 6,020,287). There is no teaching or suggestion in Brinker et al. of applying compositions as presently claimed which have bacteria which degrade essential oils or components thereof. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

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Reply to Office Action of November 2, 2005

A good faith attempt has been made to place all the claims in the present application in condition for allowance. If there is any point requiring discussion or clarification, the Examiner is respectfully urged to telephone the undersigned attorney for applicant at the below indicated telephone number for resolution.

Respectfully submitted,



Jeffrey S. Steen
Reg. No.: 32,063
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
JSS/mpl